IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO.19872 OF 2006

Date of decision : December 14, 2006

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Sayar Jain and others .....Petitioners

Vs.

The Director, Department of Town and Country Planning Haryana, Chandigarh & another .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Vikram Aggarwal, Advocate for the petitioner(s).

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Viney Mittal, J. (Oral)

At the outset, learned counsel appearing for the petitioners has pointed out that against the orders dated December 7, 2006 (Annexure P-5), the petitioners have already filed a statutory appeal before the Tribunal constituted by the State of Haryana under the Punjab Scheduled Roads Controlled Areas Restriction of Unregulated Development Act, 1963. Although, the aforesaid appeals have been filed on December 12, 2006, but no sitting of the Tribunal was held on the aforesaid date and now matter is fixed for hearing on December 19, 2006. In these circumstances, the learned counsel appearing for the petitioners contends that the interest of the petitioners be protected only till the time when the case comes up for hearing before the Tribunal.

After hearing the learned counsel for the petitioners, we find that the limited prayer made by the learned counsel is wholly justified in the

facts and circumstances of the case.

In this view of the matter, without going into the merits of the claim made by the petitioners at all and without commenting anything thereupon, we dispose of the present petition and direct that till the case is taken up for motion hearing by the Tribunal, no coercive process shall be initiated against the petitioners.

Present petition is disposed of accordingly.

However, we make it clear that the interim protection granted by this Court shall not affect the merits of the case and the Tribunal would be at liberty to pass any order in accordance with law.

Copy of the order be given dasti under the signatures of the Special Secretary attached to the Court.

(VINEY MITTAL)
JUDGE

December 14, 2006
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(H.S BHALLA)
JUDGE